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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA
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8 Amr M. Mohsen,

9 Petitioner,

10 vs.

11 Conrad M. Graber,

12 Respondent.
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No. CV-11-566-TUC-JGZ (LAB)

ORDER

14 Pending before the Court is a Report and Recommendation issued by United
15 States Magistrate Judge Leslie A. Bowman that recommends denying Petitioner's habeas
16 petition filed pursuant to 28 U.S.C. §2241. (Doc. 14.) As thoroughly explained by
17 Magistrate Judge Bowman, Petitioner is not entitled to relief as his petition is without
18 merit. As Petitioner's objections do not undermine the analysis and proper conclusion
19 reached by Magistrate Judge Bowman, Petitioner's objections are rejected and the Report
20 and Recommendation is adopted.

21 Before Petitioner can appeal this Court's judgment, a certificate of appealability
22 must issue. *See* 28 U.S.C. §2253(c) and Fed. R. App. P. 22(b)(1). Federal Rule of
23 Appellate Procedure 22(b) requires the district court that rendered a judgment denying
24 the petition made pursuant to 28 U.S.C. §2241 to "either issue a certificate of
25 appealability or state why a certificate should not issue." Additionally, 28 U.S.C.
26 §2253(c)(2) provides that a certificate may issue "only if the applicant has made a
27 substantial showing of the denial of a constitutional right." In the certificate, the court
28 must indicate which specific issues satisfy this showing. *See* 28 U.S.C. §2253(c)(3). A

1 substantial showing is made when the resolution of an issue of appeal is debatable among
2 reasonable jurists, if courts could resolve the issues differently, or if the issue deserves
3 further proceedings. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). Upon review
4 of the record in light of the standards for granting a certificate of appealability, the Court
5 concludes that a certificate shall not issue as the resolution of the petition is not debatable
6 among reasonable jurists and does not deserve further proceedings.

7 Accordingly, IT IS HEREBY ORDERED as follows:

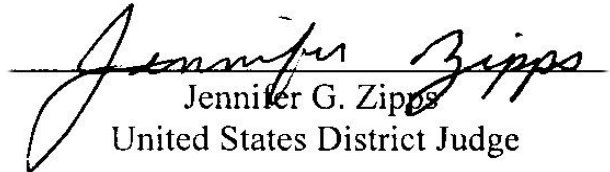
8 (1) The Report and Recommendation (Doc. 14) is accepted and adopted.

9 (2) Petitioner's §2241 habeas petition is denied and this case is dismissed with
10 prejudice.

11 (3) A Certificate of Appealability is denied and shall not issue.

12 (4) The Clerk of the Court shall enter judgment accordingly and close the file in this
13 matter.

14 Dated this 9th day of January, 2013.

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18 Jennifer G. Zipps
19 United States District Judge
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